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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,767	05/22/2000	Brandon A. Grooters	1492	2915

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EXAMINER

ANDERSON, LARRY O

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,767

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Larry O Anderson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears as if claim 17 was intended to be dependent upon claim 11, instead of claim 1, and will be interpreted in this way for examination purposes.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,288,716 (Humpleman et al., hereinafter Humpleman).

4. Regarding claims 1, 11, 21, and 31, Humpleman teaches an information appliance having a graphical user interface (see column 2, lines 46-60; where Humpleman discusses such an

information appliance displaying a graphical user interface) and capable of accessing content via a network (see column 20, lines 58-65); and a first device operably connected with the appliance (see column 2, lines 46-51); wherein the appliance is capable of analyzing audiovisual media delivered by the first device (see column 23, lines 40-50) and creating a media channel in a format acceptable to a user comprising information associated with the audiovisual media for display via the graphical user interface (see column 14, lines 37-56; where Humpleman teaches creating a media channel and connection matching selections acceptable to a user, the channel comprising the information associated with the media and displayed via a graphical user interface). With respect to claim 11, Humpleman teaches searching the network for information associated with media delivered by the first device (see column 23, lines 40-50). With respect to claim 31, Humpleman teaches a graphical user interface with a predetermined format for organization and display (see column 7, lines 4-20; where Humpleman teaches a standard HTML browser based interface for common organization and display of channel information).

5. Regarding claims 2, 12, and 22, Humpleman teaches the information appliance being capable of detecting the presence of the first device and creating a first device channel comprising information associated with the device, the channel being displayable on the appliance via the graphical user interface (see column 15, lines 28-36 and Figures 8 and 10-13; where Humpleman teaches the detection of the presence of devices by searching the network, and the created channel information pages for a DVD player displayed via the graphical user interface on the appliance).

6. Regarding claim 3, 13, and 23, Humpleman teaches the information appliance is capable of placing the media channel as a sub-directory of the first device channel (see column 17, lines

61-67 and Figures 10-13; where Humpleman teaches the media channels (**706** and **708**) being displayed below the top-level of the tree, or the device channel (**704**)).

7. Regarding claim 4, 14, and 24, Humpleman teaches the network being the internet (see column 20, lines 58-65).

8. Regarding claim 5, 15, and 25, Humpleman teaches a second device capable of being operably connected to the information appliance (see column 14, lines 45-56; where Humpleman discusses many devices the appliance could be used in conjunction with over a connected network).

9. Regarding claim 6, 16, and 26, Humpleman teaches a second device channel for the second device (see column 15, lines 64-67 and Figures 8 and 10-13; Humpleman teaches a device channel for a TV).

10. Regarding claim 7, 17, and 27, Humpleman teaches a first device comprising a DVD player (see column 17, lines 61-67 and bottom right of Figure 11).

11. Regarding claim 8, 18, and 28, Humpleman teaches audiovisual media comprising video content (see column 14, 45-56; where Humpleman teaches the media being an audio/video stream, a TV show, etc.).

12. Regarding claim 9, 19, and 29, Humpleman teaches the first device channel comprising an aggregation of content comprising information regarding the manufacturer of the device (see column 14, 13-25 and Figure 7; where Humpleman discloses displaying a company logo along with the device channel).

13. Regarding claim 10, 20, and 30, Humpleman teaches the media and device channels being updated upon subsequent utilization of the first device (see column 15, lines 28-36, where

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Humpleman discusses the device channels being updated upon utilization of devices; and column 22, line 63 through column 23, line 39, where Humpleman discusses the updating of media channels occurring continually to reflect the current availability of media from devices in the system).

Conclusion

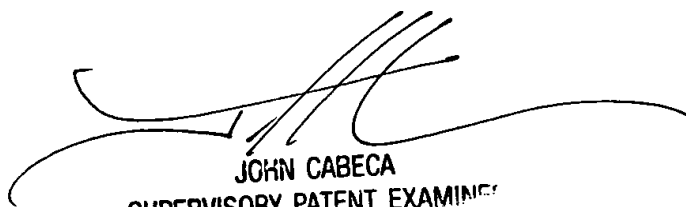
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar channel generation and media systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry O Anderson whose telephone number is 703-305-7212. The examiner can normally be reached on M-TR 6:55-4:25 1st Fri. Off, 2nd Fri. 7:20-3:50.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

loa
October 31, 2002


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER